CIVIL COURTS REGULATION AMENDMENT BILL.

Mr. Vieyra.—At the meeting of the Council held on the 15th April last, I applied for and obtained permission to introduce a Bill to amend the Civil Courts Regulation I of 1057, as amended by Regulation I of 1077. In pursuance of that permission I beg to introduce the Bill to-day. Under Rule 31 of the Rules for the conduct of business in the Council, the Bill together with the Statement of Objects and Reasons has been published in the Gazette and I understand that copies have been forwarded to the members. Fifteen clear days having elapsed since the publication of the Bill as required by Rule 33, I beg to move that the Bill be read in Council. The second para of the Rule just quoted permits the discussion of the principle of the Bill at this meeting; but I do not propose to ask you to take up that discussion to-day as I consider it desirable that, in view of the importance of the measure, more time should be allowed for a study of the modifications of the existing law, which have been drafted into the Bill.

Seconded by Mr. Rajaram Row.

The motion was put and agreed to.

HIGH COURT REGULATION AMENDMENT BILL.

Mr. Vieyra:—At the same meeting of the Council leave was granted to me to introduce another Bill to amend the High Court Regulation I of 1067. This Bill with the Statement of Objects and Reasons has also been published in the Gazette and circulated among the members. The provisions in regard to the introduction of Bills laid down in sections 31 and 33 of the Rules for the conduct of business have been satisfied and I, therefore, beg to introduce the Bill and move that it be read in Council. This is also an important measure and I would propose that the discussion of the principle be taken up at a future meeting.

Seconded by Mr. Mahadeva Iyer.

The motion was put and agreed to.

CHARITABLE ENDOWMENTS BILL.

Mr. Nagam Aiya.—Before the Council proceeds, Sir, to the consideration of the Report of the Select Committee on the Charitable Endowments Bill, I have to draw their attention to the following salient points in it:

(1) That the Bill is in the main only an adaptation of the British Indian Act VI of 1890 and a necessary sequel of the Hindu Religious Endowments Regulation III of 1079;

(2) That the scope of this Bill is narrower than the British Indian enactment, out of regard to the feelings of our Mahomedan and Christian communities;

(3) That the Officer called the Treasurer of Charitable Endowments in Travancore will be a bare trustee and will have absolutely nothing to do with the administration of the property; he will be in charge of the income of the Endowments which will be handed over to the persons administering them;

(4) That the Bill enables the Dewan, on complaints made by any person interested in a Charitable Endowment, to order the vesting of the property of the Endowment in the Treasurer of Charitable Endowments and settle a scheme for its administration and enjoins further that no action shall be taken by him under this section except after a full enquiry;

(5) That the Treasurer of Charitable Endowments should periodically publish in the Gazette the list of all properties vested in him and an abstract of all accounts he keeps;

(6) That the right of remedy reserved to the public by section 511 of the Civil Procedure Code shall continue; and

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(7) That the Bill is only a *permissive* one.

I may add that in the Select Committee we have not deemed it necessary to make any material alterations to the Bill as originally presented to the Council.

The two members of the Select Committee who had not signed the Report when the Committee's Report was submitted to the Council on the 15th April last, have since signed it.

I now beg to move that the Report of the Select Committee be taken into consideration.

Seconded by Mr Rajaram Row.

The motion was put and agreed to.

Section I, clauses (1) and (3).

Mr. Nagam Aiya.—I beg to move that '1081' be substituted for '1080' in clauses (1) and (3) of this section.

Seconded by Mr. Mahadeva Iyer.

Carried.

Section II.

Mr. Nagam Aiya.—I beg to move that the words 'unless there be something repugnant in the subject or context' occurring in the definition of 'charitable purpose' be omitted.

These words are unnecessary as the expression 'Charitable purpose' is used in the same sense throughout the Bill and there is nothing repugnant to this definition in any section of the Bill.

Seconded by Mr. Rama Iyer.

Carried.

Mr. Mahadeva Iyer.—I beg to propose that the second para defining the word 'trustee' be omitted.

The definition does not occur in the corresponding British Indian enactment, and I do not think there is any special necessity for this definition. It seems to be used in the ordinary sense in the few places in which it occurs in the Bill.

Seconded by Mr. Sesha Aiyar.

Carried.

Section III.

Mr. Mahadeva Iyer,—I beg to move that the words 'of Our Government' be inserted between 'Officer' and 'by' in line 3. It is necessary that the Treasurer of Charitable Endowments should be an officer of Government. The insertion of the words proposed would make the meaning clear. These words find a place in the corresponding section of the British Indian Act.

Seconded by Mr. Nagam Aiya.

Carried.

Section IV, clause (1).

Mr. Nagam Aiya.—I beg to propose that between 'terms' and 'as' in line 11 the words 'as to the application of the property or the income thereof' be inserted.

These words occur in the corresponding British Indian Act and specify the matter in regard to which an agreement has to be arrived at before an order can be passed under this clause.

Seconded by Mr. Vieyra.

Carried.

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Section V, sub-section (3)

Mr. Nagam Aiya—I beg to propose that the word 'this' be substituted for 'the' between 'of' and 'section' in lines 3 and 4 and the word 'so' for the word 'as' in line '6.' The amendments are merely verbal.

Seconded by Mr. Kesava Pillai.

Carried.

Section VII.

Mr. John—I beg to propose that section VII of the Bill be omitted.

This section empowers the Government in the case of any Charitable Endowments about the administration of which complaints of gross mismanagement, neglect or malversation of funds are made, to order the vesting of the property in the Treasurer and settle a scheme for the administration of the endowment. The proviso no doubt lays down that it is only after full enquiry into the truth of the complaint that action should be taken under the section. I beg to state that this section really goes against the principle of the Bill that it is only a permissive measure. Taken along with section 13 which provides that no suit shall be instituted against the Government for anything done or purporting to be done under the enactment, it vests in the Government an almost absolute power of dealing with these institutions. The cases falling under sections IV and V are distinct from those contemplated by section VII inasmuch as the parties interested in the Charitable institutions have to move the Dewan for taking steps under these sections and their concurrence has also to be obtained for the settlement of a scheme under section V; but section VII empowers the Government to interfere even against the wishes of the persons interested.

Seconded by Mr. Rajaram Row.

The several points raised by the above motion were discussed at some length by the Council and, in view of the importance of the amendment, it was resolved to defer its further consideration to the next meeting and to proceed with the other sections of the Bill.

Section VIII, sub-section (2).

Mr. Nagam Aiya.—I beg to propose that the word 'in' be inserted between the words 'vested' and 'so' in line 3.

Seconded by Mr. Govinda Pillai.

Carried.

Section X, sub-section (2).

Mr. Nagam Aiya.—I beg to propose that between the words 'in' and 'such' in line 7, the word 'any' be inserted.

Seconded by Mr. Mahadeva Iyer.

Carried.

Section XII, clause (b).

Mr. Nagam Aiya.—I beg to move that the words 'published before they are' be inserted between the words 'be' and 'settled' in line 3.

Seconded by Mr. Govinda Pillai.

Carried.

The Council adjourned at 7—10' P. M.

President.

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